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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,782	02/09/2001	Stewart Correll	099763/00001	7963
31013	7590	04/09/2004	EXAMINER	
KRAMER LEVIN NAFTALIS & FRANKEL LLP INTELLECTUAL PROPERTY DEPARTMENT 919 THIRD AVENUE NEW YORK, NY 10022			WILLIAMS, THOMAS J	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/780,782	CORRELL, STEWART	
	Examiner	Art Unit	
	Thomas J. Williams	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,8-11,13,19,21-23 and 28-32 is/are rejected.
- 7) Claim(s) 2-7,12,14-18,20 and 24-27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed December 31, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US 455,927 to Osborne.

Re-claims 28, 29, 31 and 32, Osborne teaches a shock and vibration absorbing system, the element illustrated in figure 2, comprising: a first structure or support device H (also interpreted as a first containment means); a second plate or support H' (second containment means); an elastic element s (or compressible medium); the supports form a cavity; the second support moves relative to the first support, the movement of the supports reduces the volume of the cavity; during operation the first structure (or support) and the second structure (or support) move either closer together or farther apart from each other; and the elastic element (or compressible medium) is compressed whether the first structure and the second structure move closer together or farther apart from each other.

Re-claim 30, an outer structure G is connected to the first plate assembly; an inner structure I within the outer structure is connected to the second plate assembly H , the inner structure is suspended by the second plate assembly within the outer structure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 8-11, 13, 19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 455,927 to Osborne in view of US 1,937,511 to Crane.

Re-claims 1, 9 and 21, Osborne teaches a shock and vibration absorbing system, the element illustrated in figure 2, comprising: a first plate H' ; a second plate H ; an elastic element s ; the plates form a cavity; the first plate is attached to a first structure g , the second plate is attached to a second structure i , the movement of the plates reduces the volume of the cavity; spring s exerts a pressure is exerted against the first plate and the second plate, thus absorbing shock and vibration; during operation the first plate assembly and the second plate assembly move either closer together or farther apart from each other; and the spring is compressed whether the first plate assembly and the second plate assembly move closer together or farther apart from each other.

Osborne teaches that the spring element can take on various forms, see page 2 lines 34-36. However, Osborne fails to teach the spring element as comprising a plurality of cavernous elastic members.

Crane teaches a cavernous elastic member, made of rubber, used in place of coil springs, see figures 9 and 12. It would have been obvious to one of ordinary skill in the art to have provided the device of Osborne with cavernous elastic compression devices in place of coil

springs as taught by Crane, thus reducing the overall weight and cost of the shock and vibration absorbing system.

Re-claim 8, the first plate is illustrated as being a metal.

Re-claims 10, 19 and 22, the elastic element is interpreted as acting as a primary positioning system. A pressure exerted by the elastic element will keep the plates adjacent the associated stop elements, and thus act as a preloaded resistance. Only shock or vibration exceeding the preloaded resistance will cause the plates to move.

Re-claims 13 and 23, an outer structure *G* is connected to the first plate assembly; an inner structure *I* within the outer structure is connected to the second plate assembly *H*, the inner structure is suspended by the second plate assembly within the outer structure.

Allowable Subject Matter

6. Claims 2-7, 12, 14-18, 20, and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Will
AU 3683
4-504

TJW

April 5, 2004